IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

W.P.(C).No. 35762 of 2007(G)

PETITIONER:

S.SANTHOSH KUMAR,
PART TIME ADMINISTRATOR,
BLOCK RURAL HOUSING CO-OPERATIVE SOCIETY LTD,
NO.812, CHAVARA POST-691583.

BY ADV. SRI.BINU MATHEW

RESPONDENTS:

1. **MARY MORRIS,**
   THOTTUMKAREZHATH HOUSE,
   NOW RESIDING AT TOMY DALE, PUTHUKIDE P.O.,
   CHAVARA, KOLLAM-691583.

2. **J.XAVIER, S/O JOSEPH,**
   THOTTUMKAREZHATH HOUSE,
   NOW RESIDING AT TOMY DALE, PUTHUKIDE P.O.,
   CHAVARA, KOLLAM-691583.

3. **KERALA STATE CO-OPERATIVE HOUSING**
   FEDERATION LTD, 4330, KALOOR, KOCHI,
   REPRESENTED BY ITS MANAGING DIRECTOR.

4. **CONSUMER DISPUTES REDRESSAL FORUM,**
   KOLLAM, REPRESENTED BY ITS PRESIDENT,
   CIVIL STATION, KOLLAM-691001.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35762 OF 2007 G

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Dated this the 4th December, 2007

J U D G M E N T

Petitioner is a Part-time Administrator of a Co-operative Society. Against the Co-operative Society the 4th respondent had passed an order in O.P. No. 261/05. Aggrieved by the said order, the Society has already filed Ext. P3 appeal before the Kerala State Consumer Disputes Redressal Commission. The appeal is yet to be numbered and in the meanwhile the complainants in the O.P, respondents 1 and 2, filed E.P. No. 58/07 seeking to enforce the order in O.P. No. 261/05.

2. It is the case of the petitioner that he appeared personally before the 4th respondent and submitted about the pendency of the appeal, but, however, ignoring the same, by order dated 5.11.2007, warrant of arrest has been issued and in these circumstances the writ petition has been filed praying for quashing the order issuing warrant of arrest and for restraining the respondents from

enforcing the same.

3. In the nature of the order that I propose to pass, it is not necessary to issue notice to the parties.

4. In my view the contention raised by the petitioner on the merits need not be considered at this stage. This is for the reason that the petitioner has already filed Ext. P3 appeal which is pending consideration. I feel interests of justice will be met if the petitioner is given a breathing time to move the State Commission and obtain interim order, keeping in abeyance the order dated 5.11.2007 issued by the 4th respondent issuing warrant of arrest against the petitioner.

5. Accordingly, I dispose of this writ petition directing that the order dated 5.11.2007 passed by the 4th respondent in E.P. No. 58/07 shall be deferred for a period of one month from today. In the meanwhile, it will be for the petitioner to move Ext. P3 appeal before the State Commission and obtain appropriate interim orders.

ANTONY DOMINIC
JUDGE

jan/-